



Air Resources Board



Matthew Rodriguez
Secretary for
Environmental Protection

Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov

Edmund G. Brown Jr.
Governor

June 10, 2015

Mr. Jared Blumenfeld
Regional Administrator
Region 9
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

Dear Mr. Blumenfeld:

Between November 2012 and February 2013, the Air Resources Board (ARB) submitted to the U.S. Environmental Protection Agency (U.S. EPA) three San Diego County Air Pollution Control District (District) rules to be considered as revisions to the California State Implementation Plan (SIP). These rules were Rule 20.3.1, Prevention of Significant Deterioration (PSD); Rule 1401, General Provisions (Title V Operating Permits); and Rule 1410, Permits Required (Title V Operating Permits). To date, U.S. EPA has not taken action on these submittals.

In the June 2014 decision of *Utility Air Regulatory Group v. U.S. EPA* (No. 12-1146), the U.S. Supreme Court stated that U.S. EPA may not consider greenhouse gases as an air pollutant for purposes of determining whether a pollution source is a major source and therefore required to obtain a PSD permit. As a result, in a May 11, 2015, letter (enclosed) the District requests withdrawal of the above rules that incorporate permitting regulations applicable to greenhouse gases as an air pollutant. The District will replace these rules once U.S. EPA completes rulemaking and guidance consistent with the U.S. Supreme Court decision.

If you have any questions, please contact Ms. Karen Magliano, Chief, Air Quality Planning and Science Division, at (916) 322-5350 or by email at Karen.Magliano@arb.ca.gov.

Sincerely,


Richard W. Corey
Executive Officer

Enclosure

cc: See next page.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.

California Environmental Protection Agency

Mr. Jared Blumenfeld

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cc. Mr. Robert Kard
Air Pollution Control Director
San Diego County Air Pollution Control District
10124 Old Grove Road
San Diego, California 92131

Ms. Karen Magliano, Chief
Air Quality Planning and Science Division



Air Pollution Control Board

Greg Cox	District 1
Dianne Jacob	District 2
Dave Roberts	District 3
Ron Roberts	District 4
Bill Horn	District 5

May 11, 2015

Karen Magliano, Chief
Air Quality Planning & Science Division
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812

Withdrawal of SDAPCD Rules from Consideration of Approval by EPA

Dear Ms. Magliano:

I am writing to request withdrawal of the following San Diego County Air Pollution Control District (SDAPCD) rules that were previously submitted to the U.S. Environmental Protection Agency (EPA) for approval:

SDAPCD Rule Number and Title	Date Submitted By CARB to EPA
Rule 20.3.1, Prevention of Significant Deterioration, Federal Requirements	02/06/13
Rule 1401, General Provisions [Title V Operating Permits]	11/15/12
Rule 1410, Permits Required [Title V Operating Permits]	11/15/12

These new or amended SDAPCD rules would have taken effect upon approval by the EPA as specified in the SDAPCD's adopting resolutions. However, these rules incorporate federal stationary source permitting regulations applicable to greenhouse gases (GHG) that were rendered invalid by the U.S. Supreme Court in *Utility Air Regulatory Group v. EPA* (134 S. Ct. 2427). Moreover, Rule 20.3.1 incorporates federal PM_{2.5} requirements that were vacated by the U.S. Court of Appeals for the District of Columbia in *Sierra Club v. EPA* (705 F.3d 458). Withdrawal of these SDAPCD rules from consideration for approval by the EPA is requested for consistency with these court orders.

These SDAPCD rule submittals are planned for replacement following completion of EPA's rulemaking and guidance consistent with the court orders. Until such time, the SDAPCD may seek delegation of authority to administer Prevention of Significant Deterioration permitting requirements in San Diego County on a project by project basis, as applicable. Additionally, the SDAPCD will continue efforts to update its New Source Review Rules 20.1, 20.2, 20.3 and 20.4 pursuant to current federal and State requirements.

May 11, 2015

If you have any questions regarding this request, please contact me at (858) 586-2705 or via e-mail at Robert.Kard@sdcounty.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Kard". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

ROBERT J. KARD
Air Pollution Control Officer

RJK:RR:ew

cc: Gerardo Rios, EPA Region 9